

Appl. No. 10/086,912
Response dated September 15, 2005
Reply to Office Action of March 15, 2005

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claim 1 has been amended. Claims 4-8 have been canceled without prejudice or disclaimer. No new matter has been added. Claims 1, 2 and 30-36 are pending. Applicants submit that the pending claims are supported by the specification.

In particular, claim 1 has been amended to recite "about 4 wt-% to about 10 wt-% ester peroxycarboxylic acid", as supported at least by the specification at page 15, lines 16-17. Claim 1 has also been amended to recite "buffer effective to maintain pH about 4 to about 7, the buffer consisting of citric acid and citrate salt, of phosphoric acid and phosphoric acid salt, or of boric acid and boric acid salt", as supported at least by the specification at page 10, lines 13-19 and original claims 6 and 7.

For the reasons given below, Applicants submit that the pending claims are in condition for allowance and notification to that effect is earnestly solicited.

Petition for Extension of Time

It is noted that a three-month petition for extension of time is necessary to provide for the timeliness of the response. A request for such an extension is made extending the time for response from June 15, 2005 to September 15, 2005.

Claim rejections - 35 U.S.C. § 103

Claims 1, 2, 4-8 and 30-36 are rejected under 35 U.S.C. 103(a) as being obvious over Carr et al. (WO 99/67213). Applicants respectfully traverse this rejection.

With regard to claims 4-8, this rejection is rendered moot, as those claims have been canceled.

Independent claim 1 recites a composition consisting of about 4 wt-% to about 10 wt-% ester peroxycarboxylic acid, about 0.5 wt-% to about 80 wt-% C₂ or higher alcohol and buffer effective to maintain pH about 4 to about 7. Independent claim 1 also recites the buffer consisting of citric acid and citrate salt, of phosphoric acid and phosphoric acid salt, or of boric acid and boric acid salt.

Carr teaches pH is generally at least -2, most often at least 1. See pg. 5, ll. 21-22. Carr further teaches the presence of an acid catalyst that has a pKa of about 3 or lower, and preferably

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has a pKa of below 1. *See* pg. 4, ll. 12-14. Additionally, Carr teaches it is particularly desirable to employ a non-halide mineral acid. *See* pg. 4, ll. 14-15 and pg. 7, ll. 4-5. Furthermore, Example solutions 1-4 of Carr teach solutions containing concentrated sulphuric acid. *See* pg. 8, ll. 1-25. Thus, Carr teaches highly acidic solutions and therefore fails to teach or suggest buffer effective to maintain pH of about 4 to about 7 as recited by claim 1.

Additionally, Carr fails to teach or suggest a composition consisting of about 4 wt-% to about 10 wt-% ester peroxycarboxylic acid, about 0.5 wt-% to about 80 wt-% C₁ or higher alcohol and buffer effective to maintain pH about 4 to about 7.

Thus, for at least the reasons discussed above, Carr fails to render the limitations of independent claim 1 obvious. Applicants assert that independent claim 1 is patentably distinguishable over Carr. Therefore, withdrawal of this rejection with regard to independent claim 1, as well as claims 2 and 30-36 that depend from independent claim 1, is respectfully requested.

Accordingly, based on the foregoing differences, Applicants respectfully submit that the Carr et al. reference neither teaches nor suggests the presently claimed invention and withdrawal of this rejection is respectfully requested.

SUMMARY

In summary, Applicant submits that each of claims 1, 2 and 30-36 is in condition for allowance, and notification to that effect is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below, if the Examiner believes that doing so will expedite prosecution of this patent.



Respectfully submitted,

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